**IN THE HIGH COURT OF BOMBAY AT GOA**

**CRIMINAL MISCELLANEOUS APPLICATION(MAIN) NO.47 OF 2007**

M/s. Vishal Gomantak
Shipping Co. Pvt. Ltd.
and another. ... Applicant

versus

Provident Fund Inspector
Himesh Rajan Prakash
and another. ... Respondents

Mr. D. Pangam, Advocate for the Applicants.

Mr. P. P. Singh, Advocate for the Respondent No.1.

Mr. T. P. Pereira, Advocate for the Respondent No.2.

**CORAM : N. A. BRITTO, J.**

**DATE : 19TH APRIL, 2007.**

**P.C.:-**

Heard the learned Counsel on behalf of the parties.

2. Mr. T. Pereira and Mr. P. P. Singh, the learned Counsel on behalf of the respondents submit that the impugned Order is not interlocutory and therefore is revisable. Learned

Counsel Mr. D. Pangam on behalf of the applicant accepts the position and therefore he prays that this application be treated as a revision petition. A revision petition can be entertained by this Court as well as by the Court of Sessions and as a matter of rule and as held by this Court in Criminal Miscellaneous Application No.52 of 2005 in **Dr. Mohan N. Bhawe** v. **M/s. Travel Force and another** it should be entertained by the Court of Sessions. Learned Counsel Mr. Pangam therefore prays that this petition be sent to the Court of Sessions to be decided as revision petition against the impugned Order dated 3-11-2006 for which the learned Counsel on behalf of the respondents have also no objection.

3. As a result, the petition shall be returned to the applicant who shall present the same before the Court of Sessions and if presented within a period of two weeks from the date it is returned to the applicant the learned Sessions Judge is directed to dispose of the same on merits and in accordance with law. Further proceedings in Criminal Case No.1/PF/2004/III are stayed till the date the petition is presented to the Court of Sessions.

**N. A. BRITTO, J.**

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